

WEDNESDAY, APRIL 10, 1991

THIRTY-THIRD LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Tom Holland, Crieve Hall Church of Christ, Nashville, Tennessee.

Representative I. V. Hillis led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

PRESENT IN CHAMBER

Representative(s) Chiles and Robinson (Davidson) was/were recorded as being present in the Chamber.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 9, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar for Wednesday, April 10, 1991**: House Bill(s) No(s). 846, 1107, 1358, 1328, 717, 332, 1517, 425, 1082 and 1444; also, House Joint Resolution(s) No(s). 14.

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We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 15, 1991**: House Bill(s) No(s). 684, 933, 1535, 41, 162, 232, 253, 910 and 1181; also, House Joint Resolution(s) No(s). 82.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE
April 9, 1991

MR. SPEAKER: Your Agriculture Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1066.

RAY DAVIS, Chair.

Under the rules, House Bill(s) No(s). 1066 was/were transmitted to the Calendar and Rules Committee.

COMMERCE
April 9, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 946.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 819 and 1269; if amended: House Bill(s) No(s). 939 and 1061.

We further recommend that House Bill No. 966 with amendment(s) be referred to the Government Operations Committee.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 946 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 819 and 1269; with amendment(s): House Bill(s) No(s). 939 and 1061.

The Speaker referred House Bill No. 966 with amendment(s) to the Government Operations Committee.

CONSUMER AND EMPLOYEE AFFAIRS
April 9, 1991

MR. SPEAKER: Your Consumer and Employee Affairs Committee

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reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1209.

CLARK, Chair.

Under the rules, House Bill(s) No(s). 1209 was/were transmitted to the Calendar and Rules Committee.

EDUCATION
April 9, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 182 and 1190; for passage if amended: House Bill(s) No(s). 57.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means with amendment(s): House Bill(s) No(s). 803.

DAVIDSON, Chair.

Under the rules, House Bill(s) No(s). 182 and 1190; with amendment(s): House Bill(s) No(s). 57 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 803 with amendment(s).

FINANCE, WAYS AND MEANS
April 9, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1092, 1106, 1226 and 1227; for passage if amended: House Bill(s) No(s). 63.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 1092, 1106, 1226 and 1227; with amendment(s) House Bill No. 63 was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS
April 9, 1991

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 1008.

KING, Chair.

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Under the rules, House Bill(s) No(s). 1008 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT
April 9, 1991

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 599, 1217, 1359, 1388, 1398, 1400, 1404, 1409, 1438 and 1441; for passage if amended: House Bill(s) No(s). 15, 375, 440, 566, 821, 1294, 1305, 1357 and 1430; for concurrence: Senate Joint Resolution No. 154.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 828; if amended: House Bill(s) No(s). 568, 904, 1299, 1407 and 1459.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 599, 1217, 1359, 1388, 1398, 1400, 1404, 1409, 1438 and 1441; with amendment(s): House Bill(s) No(s). 15, 375, 440, 566, 821, 1294, 1305, 1357 and 1430; also, Senate Joint Resolution No. 154 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 828; with amendment(s): House Bill(s) No(s). 568, 904, 1299, 1407 and 1459 .

TRANSPORTATION
April 9, 1991

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 554 and 1175; for passage if amended: House Bill(s) No(s). 546 and 925; for concurrence: Senate Joint Resolution No. 26.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means if amended: House Bill No. 62.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 554 and 1175; with amendment(s) House Bill(s) No(s). 546 and 925; also, Senate Joint Resolution No. 26 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 62 with amendment(s).

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MESSAGE FROM THE SENATE
April 9, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 100, 223, 462, 463, 464, 465, 1070, 1321, 1473, 1474 and 1479; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0100 -- Financial Disclosure -- Requires disclosure of the identity of persons purchasing certain communications which seek to influence governmental decisions. Amends TCA 2-19-120. by *Cooper, McKnight.

***Senate Bill No. 0223** -- Driver Licenses -- Revises procedures and fees for motorcycle operator licensing. Amends TCA, Title 55, Chs. 50, 51. by *McKnight.

***Senate Bill No. 0462** -- Cooperatives -- Requires certain information be included in articles of incorporation for cooperative marketing associations. Amends TCA, Title 43, Ch. 16. by *Cohen.

***Senate Bill No. 0463** -- Process, Service of -- Requires summons filed with secretary of state to give certain notice if appearance or response is required. Amends TCA 20-2-205, 215, 48-1-105, 48-55-105, 61-2-106. by *Cohen.

***Senate Bill No. 0464** -- Landlord and Tenant -- Establishes filing fee for nonresident landlords. Amends TCA 66-28-105. by *Cohen.

***Senate Bill No. 0465** -- Partnerships -- Increases time allowed between creation and registration for limited partnership. Amends TCA, Title 61, Ch. 2. by *Cohen.

***Senate Bill No. 1070** -- Boards and Commissions -- Requires deposit in general fund of moneys collected by certain regulatory boards. Amends TCA, Titles 4, 56, 62. by *Atchley, *Hicks, *Cooper, *McKnight.

***Senate Bill No. 1321** -- Salaries and Benefits -- Clarifies separation and control of maternity leave for teachers and maternity leave generally. Amends TCA 4-21-408. by *Haynes.

Senate Bill No. 1473 -- Public Records -- Makes medical and psychological records of public employees confidential. Amends TCA 10-7-504. by *Gilbert, *Jordan.

Senate Bill No. 1474 -- Sewage -- Authorizes water service provider to require landowner to maintain property sewage line connection. Amends TCA 7-35-201, 68-13-209. by *Gilbert.

Senate Bill No. 1479 -- Corporations -- Redefines "distinguishable upon the records of the secretary of state" for

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purposes of acquiring corporate name. Amends TCA 48-14-101. by *Ford.

MESSAGE FROM THE SENATE
April 9, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 56, 167, 169 and 182; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Joint Resolution No. 0056 -- General Assembly, Studies -- Continues SJR 455 to study rising health care costs. by *Hamilton, Kyle, Albright, McKnight.

Senate Joint Resolution No. 0167 -- Memorials, Death -- Jack Comer. by *Cohen.

Senate Joint Resolution No. 0169 -- Memorials, Professional and Business Achievement -- Dr. V. Lane Rawlins. by *Cohen.

Senate Joint Resolution No. 0182 -- Memorials, Sports -- Elliot Perry. by *Cohen, *Dunavant, *Person, *Kyle, *Davis E, *Ford.

SIGNED
April 9, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 300, 1001, 1261 and 1403; House Joint Resolution(s) No(s). 166, 167, 168, 170, 171, 172, 173, 174 and 175; also, House Resolution(s) No(s). 37 and 38.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS
April 9, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 6, 838, 1256, 1394, 1539 and 1547; House Resolution(s) No(s). 7, 8, 9, 10 and 40; also, House Joint Resolution(s) No(s). 148, 180, 181, 182, 183, 184 and 227; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**MESSAGE FROM THE SENATE
April 9, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 300, 1001, 1261 and 1403; also, House Joint Resolution(s) No(s). 166, 167, 168, 170, 171, 172, 173, 174 and 175; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 59, 60, 138, 231, 280, 507, 575, 675, 681, 761, 769, 916, 1312 and 1559; also, Senate Joint Resolution(s) No(s). 131, 155, 161, 163, 165, 166, 173, 174, 176 and 177; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
April 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 300, 1001, 1261 and 1403; also, House Joint Resolution(s) No(s). 166, 167, 168, 170, 171, 172, 173, 174 and 175; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 9, 1991**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 131, 173 and 177.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 10, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, April 11, 1991**: House Bill(s) No(s). 1239, 736, 531, 959, 1207, 1214, 851, 553, 420 and 1473.

We have also set the following bills on the **Regular Calendar** for **Monday, April 15, 1991**: House Bill(s) No(s). 1137.

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We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 15, 1991**: House Bill(s) No(s). 940, 555 and 58.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

CONSERVATION AND ENVIRONMENT

April 10, 1991

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend passage if amended: House Bill(s) No(s). 18 and 188; for adoption: House Joint Resolution(s) No(s). 176.

HILLIS, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 18 and 188; also, House Joint Resolution No. 176 was/were transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

April 10, 1991

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 744; for passage if amended: House Bill(s) No(s). 956 and 1222.

DIXON, Chair.

Under the rules, House Bill(s) No(s). 744; with amendment(s): House Bill(s) No(s). 956 and 1222 was/were transmitted to the Calendar and Rules Committee.

JUDICIARY

April 10, 1991

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 461, 839, 902, 1007, 1193, 1292, 1373, 1436, 1483; for passage if amended: House Bill(s) No(s). 25, 181, 469, 822, 836, 885, 931, 935 and 1372.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 364, 535, 1055, 1095, 1120 and 1275; with amendment(s): House Bill(s) No(s). 893 and 1236.

We further report that House Bill No. 895 failed to pass.

BUCK, Chair.

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Under the rules, House Bill(s) No(s). 461, 839, 1007, 1193, 1292, 1373, 1436 and 1483; with amendment(s): House Bill(s) No(s). 25, 181, 469, 822, 836, 885, 902, 931, 935 and 1372 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 364, 535, 1055, 1095, 1120 and 1275; with amendment(s): House Bill(s) No(s). 893 and 1236.

CONSENT CALENDAR

House Resolution No. 0041 -- Memorials, Professional and Business Achievement -- Miles Howard and Songmasters.

House Resolution No. 0042 -- Memorials, Personal Occasion -- Martha Bell Bradley, 105th birthday.

House Resolution No. 0043 -- Memorials, Personal Occasion -- Martha Lane, 90th birthday.

House Resolution No. 0044 -- Memorials, Sports -- Clarkrange High School Lady Buffaloes.

House Resolution No. 0045 -- Memorials, Heroism -- Morgan County troops.

House Joint Resolution No. 0228 -- Memorials, Sports -- Madisonville High School cheerleaders.

House Bill No. 1568 -- Bedford County -- Enacts hotel/motel tax.

House Bill No. 1569 -- Hardeman County -- Changes powers and duties of highway department. Amends Chapter 34, Private Acts of 1983, as amended.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1568; by Rep. Rigsby.

Rep. Phillips requested that House Bill No. 1568 be held on the Clerk's desk.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes. 94
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Consent Calendar and have this statement entered in the Journal.

Rep. Robb Robinson

REGULAR CALENDAR

***House Bill No. 0066** -- Financial Disclosure -- Requires disclosure of the identity of persons purchasing certain communications which seek to influence governmental decisions. Amends TCA 2-19-120.

Further consideration of House Bill No. 66, previously considered on March 14 and 20, 1991, at which time the House adopted Amendment No. 1, then reset the bill to the Calendar for April 10, 1991.

On motion, House Bill No. 66 was made to conform with Senate Bill No. 100.

On motion, **Senate Bill No. 100**, on same subject, was substituted for House Bill No. 66.

Rep. Bragg moved that **Senate Bill No. 100** be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 100 by deleting the language "expenditure in excess of fifty dollars (\$50)" in the first sentence of the amendatory subdivision (1) in Section 1 and by substituting instead the word "expenditure".

AND FURTHER AMEND by deleting the words "an elected governmental official" in the first sentence of the amendatory subdivision (1) in Section 1 and by substituting instead the words "a governmental agency or official".

AND FURTHER AMEND by deleting the word "communication" in the second sentence of the amendatory subdivision (1) in Section 1 and by substituting instead the language "communication, except on communications such as billboards, that contain only a front face".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that **Senate Bill No. 100**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 0151** -- Election Laws -- Codifies case law relative to inmates' voting rights and procedures for casting ballots. Amends TCA, Title 2, Chs. 2, 6.

Further consideration of Senate Bill No. 151, previously

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considered on April 3, 1991, at which time it was substituted for House Bill No. 621 then reset.

Rep. Buck moved passage of **Senate Bill No. 151** on third and final consideration, which motion failed by the following vote:

Ayes	32
Noes	58
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Bivens, Bragg, Buck, Chiles, Cole, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Gunnels, Hubbard, Jackson, Jones U (Shelby), King, Love, Moore, Napier, Pruitt, Purcell, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Shelby), Venable, Williams (Shelby), Wix -- 32.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Byrd, Callicott, Coffey, Copeland, Davidson, Davis (Cocke), Duer, Ferguson, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Huskey, Johnson, Joyce, Kent, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Walley, West, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 58.

Representatives present and not voting were: Chumney, Fowlkes, Kernell -- 3.

Having received a constitutional majority in the negative, pursuant to Rule No. 63, the Speaker asked for a motion to reject. There being none, **Senate Bill No. 151**, was re-referred to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 151** and have this statement entered in the Journal.

Rep. Ray Davis

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 151** and have this statement entered in the Journal.

Rep. Calvin Moore

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 151 and have this statement entered in the Journal.

Rep. Phillip Pinion

REGULAR CALENDAR, CONTINUED

House Bill No. 1240 -- Criminal Offenses -- Includes certain acts performed with respect to merchandise within definition of "theft". Amends TCA, Title 39, Ch. 14, Pt. 1.

Rep. Hargrove moved that House Bill No. 1240 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1240 and have this statement entered in the Journal.

Rep. Bill McAfee

REGULAR CALENDAR, CONTINUED

*House Bill No. 0485 -- Education -- Increases number of model dropout prevention programs from ten to fifteen; raises grants from \$6,000 to \$10,000. Amends TCA, Title 49.

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Further consideration of House Bill No. 485, previously considered on April 1, 1991, at which time the House adopted Amendment No. 1, made the motion to adopt Amendment No. 2, then reset the bill to the Calendar for April 10, 1991.

Rep. Napier moved that the motion to adopt Amendment No. 2, previously filed, be withdrawn, which motion prevailed.

Rep. Bragg moved that Amendment No. 3 be withdrawn, which motion prevailed.

Thereupon, Rep. Dixon moved that **House Bill No. 485**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0633** -- County Officers -- Authorizes county legislative body to fill temporary vacancy when member is inducted into military. Amends TCA 8-48-205.

On motion, House Bill No. 633 was made to conform with Senate Bill No. 1117.

On motion, **Senate Bill No. 1117**, on same subject, was substituted for House Bill No. 633.

Rep. Liles moved that **Senate Bill No. 1117** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	6

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Chumney, Herron, Rinks, Tindell, Windle, Wix -- 6.

A motion to reconsider was tabled.

***House Bill No. 1211** -- Corporations -- Expands use of proceeds of bonds issued by health, educational and housing facility corporations. Amends TCA 48-3-310.

Rep. Williams (Shelby) moved that House Bill No. 1211 be reset one week to the Calendar for Wednesday, April 17, 1991, which motion prevailed.

***House Bill No. 0280** -- Courts, General Sessions -- Increases jurisdiction and compensation of certain general sessions judges. Amends TCA 16-15-5004.

Rep. Windle moved that House Bill No. 280 be reset one week to the Calendar for Wednesday, April 17, 1991, which motion prevailed.

House Bill No. 0846 -- Traffic Safety -- Revises certain time periods under Motor Vehicle Habitual Offenders Act. Amends TCA, Title 55, Ch. 10, Pt. 6.

Rep. Purcell moved that House Bill No. 846 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 846 by deleting the amendatory language of Section 1 and substituting instead the following:

(2) "Habitual offender" means:

(A) Any person who, during a three (3) year

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period, is convicted in a Tennessee court or courts of three (3) or more of the following offenses, any person who, during a five (5) year period, is convicted in a Tennessee court or courts of three (3) or more of the following offenses or any person who, during a ten (10) year period, is convicted in a Tennessee court or courts of five (5) or more of the following offenses; provided that if the five (5) or ten (10) year period is used, one (1) of such offenses occurred after July 1, 1991:

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 846**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Buck, Harrill, Kent -- 3.

A motion to reconsider was tabled.

House Bill No. 1107 -- Children and Youth Commission -- Assigns certain duties to commission and various review boards on foster care. Amends TCA, Title 37.

On motion, House Bill No. 1107 was made to conform with Senate Bill No. 981.

On motion, **Senate Bill No. 981**, on same subject, was substituted for House Bill No. 1107.

Rep. Purcell moved that **Senate Bill No. 981** be passed on third and final consideration.

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Rep. Dixon moved adoption of Health and Human Resources Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 981 by adding the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 37-2-406(c)(1), is amended by adding the following sentence at the end of paragraph (1) of subsection (c):

If the department or agency does not follow the board's recommendations, the department or agency shall timely inform the board of the reasons for not following the recommendations.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 981 by inserting the following language as a new, appropriately designated section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION _____. If the provisions of the state's general appropriations act for fiscal year 1991-1992, Senate Bill 1522 / House Bill 1522, Chapter No. ____ of the Public Acts of 1991, do not specifically provide funding to the Tennessee commission on children and youth for the purpose of implementing the provisions of this act, then Sections 2 and 3 of this act shall be null and void.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 981**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R

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(Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1358 -- Telecommunications -- Prohibits recorded message calls relative to collection of debts absent compliance with Consumer Telemarketing Protection Act of 1990. Amends TCA, Title 47, Ch. 18, Pt. 15.

On motion, House Bill No. 1358 was made to conform with Senate Bill No. 128.

On motion, **Senate Bill No. 128**, on same subject, was substituted for House Bill No. 1358.

Rep. Purcell moved that **Senate Bill No. 128** be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 128 by adding before the effective date section the following new section:

Section _____. Tennessee Code Annotated, Section 47-18-1507, is amended by adding the following new subdivision:

() Relate to the origination, servicing, or collection of student loans under the Higher Education Act of 1965, as amended, 20 U.S.C. 1070, et. seq., or Tennessee Student Assistance Corporation Act, Tennessee Code Annotated, Title 4, Chapter 4, Part 2.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 128 by deleting Sections 1 and 2 of the original bill, and by substituting instead the following language as a new, appropriately designated section:

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SECTION ____ Tennessee Code Annotated, Section 47-18-1507, is amended by deleting the language of item (3) and by substituting instead the following:

(3) Are made in connection with an existing debt or contract, payment or performance which has not been completed at the time of such call and such call is initiated by the person who is the original creditor or the assignee of such creditor;

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 128**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1328 -- County Officers -- Increases compensation of county officials in addition to other increases from \$2,000 to \$2,500 on 9/1/91 and 9/1/92. Amends TCA, Title 8, Ch. 24.

Rep. Kisber moved that House Bill No. 1328 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1328 by deleting the language of the bill following the enacting clause in its entirety and substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 8-24-102, is amended by adding the following new subsection to be designated appropriately:

() Effective September 1, 1991, the sheriff shall receive annual compensation in an amount at least ten percent (10%) higher than the maximum salary payable to the county trustee as provided by law.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1328 by adding the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION _____. The state share of the cost pursuant to Article II, Section 24 of the Constitution of Tennessee for any increased expenditure required by a county by the provisions of this act shall be provided from the unallocated tax revenue of state-shared taxes enumerated in Tennessee Code Annotated, Section 9-6-301.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1328 by adding the following sentence at the end of the amendatory language of Section 1:

"However, the total compensation paid to the sheriff shall not be equal to or exceed the salary of the county Executive".

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Kisber moved that **House Bill No. 1328**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	70
Noes.	16
Present and not voting.	3

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Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Harrill, Hassell, Herron, Hill, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McDaniel, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Allen, Chumney, Copeland, Haley, Halteman, Haun, Holcomb, Hubbard, Jackson, Joyce, Kernell, McAfee, Meyer, Moore, Ridgeway, Venable -- 16.

Representatives present and not voting were: Chiles, McKee, Pruitt -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on House Bill 1328 and have this statement entered in the Journal.

Rep. Phillip Pinion

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1328 and have this statement entered in the Journal.

Rep. Edna H. Tullos

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1328 and have this statement entered in the Journal.

Rep. Clint Callicott

RECESS MOTION

Representative Severance moved that, pursuant to House Joint Resolution No. 191, the House recess to meet with the Senate in Joint Convention for the purpose of honoring Coach Pat Head Summit

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and members of the University of Tennessee Girls' Basketball team and further moved that the House continue its regular order of business at the conclusion of the Joint Convention.

IN JOINT CONVENTION

**COACH PAT HEAD SUMMITT AND
MEMBERS OF THE UNIVERSITY OF TENNESSEE GIRLS' BASKETBALL TEAM**

The hour having arrived, set by House Joint Resolution No. 191, the Senate met with the House in Joint Convention.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion of Senator Darnell, the roll call of the Senate was dispensed with.

On motion of Representative Purcell, the roll call of the House was dispensed with.

Thereupon, the Clerk of the Senate read House Joint Resolution No. 191 authorizing the Joint Convention.

Rep. Purcell moved the President Wilder appoint a committee to notify the honored guests that the Joint Convention was in session and awaited their arrival.

Mr. President Wilder appointed a committee composed of Senators Gilbert, Atchley, and Koella; and Representatives Armstrong, Bittle, Peroulas Draper, Hill, Severance Tindell and Head to escort Coach Pat Head Summitt and the University of Tennessee Girls' Basketball Team to the Well of the House.

President Wilder recognized Rep. Severance for a presentation.

The Chief Clerk of the Senate read House Joint Resolution No. 198 honoring our guests.

President Wilder recognized Rep. Head for introductions.

President Wilder recognized Coach Pat Head Summitt and others for remarks.

Mr. President Wilder relinquished the gavel to Mr. Speaker Naifeh as President of the Joint Convention.

The purpose for which the Joint Convention was called, having been accomplished, Mr. President Naifeh declared the Joint Convention dissolved.

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RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Chiles the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0717** -- Highway Signs -- Signs for adjacent businesses on portions of Highway 79. Amends TCA 54-17-206.

Rep. Ridgeway moved that House Bill No. 717 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 717 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. This act shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of Federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ridgeway moved that **House Bill No. 717**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby),

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Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 717 and have this statement entered in the Journal.

Rep. Peggy Knight

REGULAR CALENDAR, CONTINUED

House Bill No. 0332 -- Administrative Procedure -- Continues all permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1991.

Rep. King moved that House Bill No. 332 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 332 by adding the following new subsection to the amendatory language of Section 1:

(c) The provisions of subsection (a) shall not apply to the following public necessity rules which were duly filed in the office of the secretary of state between January 1, 1990 and December 31, 1990:

(1) Department of Health and Environment - Medicaid Division - General Rules - Definitions - Rule 1200-13-1-.01(15) through (20), inclusive.

(2) Department of Health and Environment - Medicaid Division - General Rules - Admissions to Long Term Care Facilities - Rule 1200-13-1-.08.

(3) Department of Health and Environment - Medicaid Division - General Rules - Providers - Rule 1200-13-1-.05(15) through (18), inclusive.

(4) Department of Health and Environment - Medicaid - Division - General Rules - Providers - Rule 1200-13-1-.05(9)(g).

On motion, Amendment No. 1 failed to be adopted.

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Thereupon, Rep. King moved that House Bill No. 332 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1517 -- Eminent Domain -- Authorizes acquisition of certain properties by condemnation or eminent domain for certain preservation purposes in Scott and Campbell counties. Amends TCA 11-14-401, 407.

On motion, House Bill No. 1517 was made to conform with Senate Bill No. 1521.

On motion, **Senate Bill No. 1521**, on same subject, was substituted for House Bill No. 1517.

Rep. Cross moved that **Senate Bill No. 1521** be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1521 by deleting the language " 'Koppers Properties.' " in the amendatory language of Section 1 and by substituting instead the following:

Koppers Properties; provided, however, that if the state acquires such property by condemnation or the use of eminent domain, then permission is hereby granted to the owner or owner's lessee of mineral rights to extract minerals from such property in accordance with the mineral rights held by such owner or owner's lessee.

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On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cross moved that **Senate Bill No. 1521**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Niceley -- 1.

A motion to reconsider was tabled.

House Bill No. 0425 -- Insurance Companies, Agents, Brokers -- Prohibits compensation of adjuster to be based on percentage of amount by which claim is reduced for payment. Amends TCA, Title 56.

Rep. Shirley moved that House Bill No. 425 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

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Representatives voting no were: Moore -- 1.

A motion to reconsider was tabled.

***House Joint Resolution No. 0014 -- Constitutional Amendments --**
Repeals lottery prohibition.

Rep. Hubbard moved that House Joint Resolution No. 14 be passed on first reading.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 14 by inserting in the amendatory language of the first resolving the language "effective July 1, 1995," between the words "proposed that" and the language "Article XI".

On motion, Amendment No. 1 was adopted.

Thereupon, the Clerk having read the Resolution, Rep. Hubbard moved that **House Joint Resolution No. 14**, as amended, be passed on first reading as required by the Constitution, which motion prevailed by the following vote:

Ayes.	74
Noes.	22

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Haun, Head, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Love, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pruitt, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Bragg, Byrd, Crain, Curlee, Haley, Harriell, Hassell, Herron, Hill, Knight, Liles, McAfee, Meyer, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Sipes, Tullis, Walley, Wood -- 22.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on passage on

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first consideration of House Joint Resolution No. 14 and have this statement entered in the Journal.

Rep. Ray Hill

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on passage on first consideration of House Joint Resolution No. 14 and have this statement entered in the Journal.

Rep. Phillip Pinion

REGULAR CALENDAR, CONTINUED

House Bill No. 1082 -- Correctional Programs -- Provides for community based alternatives to incarceration and probation eligibility. Amends TCA 40-35-303, 40-36-106.

On motion, House Bill No. 1082 was made to conform with Senate Bill No. 1203.

On motion, **Senate Bill No. 1203**, on same subject, was substituted for House Bill No. 1082.

Rep. Buck moved that **Senate Bill No. 1203** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Buck moved passage of **Senate Bill No. 1203** on third and final consideration, which motion failed by the following vote:

Ayes.	27
Noes.	65
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bragg, Buck, Cole, Copeland, Cross, Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), King, Knight, Love, Moore, Napier, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Turner (Shelby), Mr. Speaker Naifeh -- 27.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Bivens, Byrd, Callicott, Chiles, Chumney, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Duer, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Holcomb, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner

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(Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 65.

Representatives present and not voting were: Robinson (Hamilton) -- 1.

Having received a constitutional majority in the negative, pursuant to Rule No. 63, the Speaker asked for a motion to reject. There being none, **Senate Bill No. 1203**, was re-referred to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on **Senate Bill No. 1203** and have this statement entered in the Journal.

Rep. Ray Davis

REGULAR CALENDAR, CONTINUED

House Bill No. 1444 -- Civil Procedure -- Allows filing of court documents by facsimile transmission.

On motion, **House Bill No. 1444** was made to conform with **Senate Bill No. 106**.

On motion, **Senate Bill No. 106**, on same subject, was substituted for **House Bill No. 1444**.

Rep. Stamps moved that **Senate Bill No. 106** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Stamps moved that **Senate Bill No. 106** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt,

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Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1276** -- Banks and Financial Institutions -- Enacts "Savings Bank Chartering Act of 1991". Amends TCA, Title 45.

Senate Amendment No. 1

Amend House Bill No. 1276 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Any charter issued under the provisions of this act shall be null and void if:

(a) The institution for which the charter was issued does not commence operations within five (5) years of the date the charter was issued, provided that the commissioner may act to extend the time to allow the commencement of operations; or

(b) An institution which is chartered and commences business ceases to conduct business and no operations or business is conducted for a period of five (5) years.

Senate Amendment No. 2

Amend House Bill No. 1276 by adding as a new subsection (d) to Section 6 the following:

(d) Subject to reasonable regulation to preserve safety and soundness, the commissioner may authorize a state bank to make any investment or engage in any activity permissible to institutions chartered under this act that he determines to be necessary to preserve the competitive equality between depository institutions.

Rep. Rhinehart moved that the House concur in Senate

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Amendment(s) No(s). 1 and 2 to **House Bill No. 1276**, which motion prevailed by the following vote:

Ayes.	89
Noes.	3
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Duer, Holcomb, Turner (Shelby) -- 3.

Representatives present and not voting were: Haun, West -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on the concurrence motion to House Bill No. 1276 and have this statement entered in the Journal.

Rep. Mike Kernell

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 11, 1991:

Senate Bill No. 1026: Rep. Crain.

BILL RECALLED

Rep. Bragg moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 157 from the State and Local Government Committee for immediate consideration, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 157 out of order, which motion prevailed.

Senate Joint Resolution No. 0157 -- Naming and Designating -- National Boys and Girls Club Week, April 21-27, 1991.

On motion of Rep. Bragg, the resolution was concurred in by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE BILL REFERRED

Rep. Robinson (Davidson) moved that **House Bill No. 1391** be recalled from the Transportation Committee and referred to the Finance, Ways and Means Committee, which motion prevailed by the following vote:

Ayes.	68
Noes.	21
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Gunnels, Halteman, Hassell, Haun, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, King, Kisber, Knight, McAfee, McDaniel, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell,

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Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix -- 68.

Representatives voting no were: Allen, Anderson, Callicott, Chumney, Coffey, Copeland, Duer, Fowlkes, Haley, Harrill, Head, Hill, Holcomb, Kent, Liles, McKee, Meyer, Nuber, Tullios, Turner (Hamilton), Wood -- 21.

Representatives present and not voting were: Herron, Purcell -- 2.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the purpose of introducing **House Resolution No. 50** out of order, which motion prevailed.

House Resolution No. 0050 -- Memorials, Personal Occasion -- Howard C. Gentry, 70th birthday. by *Pruitt, *Armstrong, *Dixon, *DeBerry, *Turner L, *Jones R, *King, *Robinson C B, *Jones U, *Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was adopted by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Dixon moved to suspend **Rule No. 81(1)** relative to time for placing bills on notice in Committee, so that members may have until 12:00 p.m. Thursday to place bills on notice in Health and Human

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Resources Committee for hearing in the attendant subcommittees, which motion prevailed.

RULES SUSPENDED

Rep. Hillis moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that all bills reported out subcommittee can be heard in the Conservation and Environment Committee on Wednesday, April 17, 1991, which motion prevailed.

RULES SUSPENDED

Rep. DeBerry moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that study committee resolutions previously placed on notice can be heard by the Calendar and Rules Study resolutions subcommittee on Thursday, April 11, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Dixon moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 182 out of order, which motion prevailed.

Senate Joint Resolution No. 0182 -- Memorials, Sports -- Elliot Perry.

On motion of Rep. Dixon, the resolution was concurred in by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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BILLS WITHDRAWN

On motion of Rep. Liles, House Bill No. 706 was recalled from the State and Local Government Committee.

On motion of Rep. Liles, House Bill No. 706 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 15: Rep(s). Liles as prime sponsor(s).

House Bill No. 66: Rep(s). Givens as prime sponsor(s).

House Bill No. 231: Rep(s). Walley as prime sponsor(s).

House Bill No. 440: Rep(s). Liles as prime sponsor(s).

House Bill No. 485: Rep(s). Armstrong and Givens as prime sponsor(s).

House Bill No. 633: Rep(s). Givens as prime sponsor(s).

House Bill No. 676: Rep(s). Williams (Shelby) as prime sponsor(s).

House Bill No. 849: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 1058: Rep(s). Holt as prime sponsor(s).

House Bill No. 1157: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1252: Rep(s). Callicott as prime sponsor(s).

House Bill No. 1315: Rep(s). Gunnels as prime sponsor(s).

House Bill No. 1328: Rep(s). Herron and Knight as prime sponsor(s).

House Bill No. 1358: Rep(s). Givens and Kisber as prime sponsor(s).

House Bill No. 1442: Rep(s). Ferguson as prime sponsor(s).

House Bill No. 1444: Rep(s). Sipes as prime sponsor(s).

House Bill No. 1517: Rep(s). Williams (Union) as prime sponsor(s).

House Bill No. 1558: Rep(s). Walley as prime sponsor(s).

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House Joint Resolution No. 14: Rep(s). Chumney and Givens as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Callicott was removed as sponsor of **House Bill No. 288.**

On motion, Rep. Callicott was removed as sponsor of **House Bill No. 289.**

On motion, Rep. Callicott was removed as sponsor of **House Bill No. 290.**

On motion, Rep. Kernell was removed as sponsor of **House Bill No. 332.**

On motion, Rep. Robinson (Davidson) was removed as sponsor of **House Bill No. 1030.**

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

***House Resolution No. 0046** -- Memorials, Congratulations -- Clinton Elementary School Primary Division Chess Champions. by *Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

***House Resolution No. 0047** -- Memorials, Congratulations -- Clinton Elementary School Elementary Division State Chess Champions. by *Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0048 -- Memorials, Death -- Dale Hutcherson. by *Herron.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0049 -- Memorials, Congratulations -- Kelley Miller Smith, Jr. by *Armstrong.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0226** -- Memorials, Government Officials -- Directs study of utility districts and matters related to efficiency, effectiveness and public accountability. by *Odom.

Referred by the Speaker to the State and Local Government Committee.

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House Joint Resolution No. 0229 -- Memorials, Sports -- LaFollette Middle School Owls boys' basketball team. by *Cross.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0230 -- Memorials, Public Service -- Gordon W. Sanders, Tennessee school system. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0231 -- Highway Signs -- Removes SR 297 in Scott County from Designation as "Bruno Gernt Highway". by *Winningham.

Referred by the Speaker to the Transportation Committee.

House Joint Resolution No. 0232 -- Memorials, Professional and Business Achievement -- Cameron Judd. by *Hargrove.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0233 -- Memorials, Sports -- Coach Marva Lynn Rawlings, Waverly Central High School girls' basketball team. by *Collier.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0235 -- Naming and Designating -- Putnam County Boys and Girls Club Week. by *Hargrove.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0167 -- Memorials, Death -- Jack Comer.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0169 -- Memorials, Professional and Business Achievement -- Dr. V. Lane Rawlins.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were introduced and referred as noted:

***Senate Joint Resolution No. 0056** -- General Assembly, Studies

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-- Continues SJR 455 to study rising health care costs.

Referred by the Speaker to the Health and Human Resources Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1574 -- South Fulton -- Enacts hotel/motel tax. by *Pinion.

Passed first consideration.

House Bill No. 1575 -- Obion County -- Enacts hotel/motel tax. by *Pinion.

Passed first consideration.

House Bill No. 1576 -- Gatlinburg -- Revises date for meeting to elect mayor and vice mayor. Amends Chapter 84, Private Acts of 1945, as amended. by *Huskey, *Davis R E.

Passed first consideration.

House Bill No. 1577 -- Pulaski -- Removes residency requirements of police chief. Amends Chapter 711, Private Acts of 1949. by *Fowlkes.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0223** -- Driver Licenses -- Revises procedures and fees for motorcycle operator licensing. Amends TCA, Title 55, Chs. 50, 51. (HB 0564).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0462** -- Cooperatives -- Requires certain information be included in articles of incorporation for cooperative marketing associations. Amends TCA, Title 43, Ch. 16. (HB 1066).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0463** -- Process, Service of -- Requires summons filed with secretary of state to give certain notice if appearance or response is required. Amends TCA 20-2-205, 215, 48-1-105, 48-55-105, 61-2-106. (HB 1067).

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Held pending third consideration of companion House Bill.

***Senate Bill No. 0464** -- Landlord and Tenant -- Establishes filing fee for nonresident landlords. Amends TCA 66-28-105. (HB 1068).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0465** -- Partnerships -- Increases time allowed between creation and registration for limited partnership. Amends TCA, Title 61, Ch. 2. (HB 1069).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1070** -- Boards and Commissions -- Requires deposit in general fund of moneys collected by certain regulatory boards. Amends TCA, Titles 4, 56, 62. (HB 0856).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1321** -- Salaries and Benefits -- Clarifies separation and control of maternity leave for teachers and maternity leave generally. Amends TCA 4-21-408. (HB 1209).

Held pending third consideration of companion House Bill.

Senate Bill No. 1473 -- Public Records -- Makes medical and psychological records of public employees confidential. Amends TCA 10-7-504. (*HB 1443).

Held pending third consideration of companion House Bill.

Senate Bill No. 1474 -- Sewage -- Authorizes water service provider to require landowner to maintain property sewage line connection. Amends TCA 7-35-201, 68-13-209. (*HB 1441).

Held pending third consideration of companion House Bill.

Senate Bill No. 1479 -- Corporations -- Redefines "distinguishable upon the records of the secretary of state" for purposes of acquiring corporate name. Amends TCA 48-14-101. (*HB 1356).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1571 -- Athens -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1572 -- Madisonville -- Passed second

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consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1573 -- Blount County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

REPORTS OF SELECT COMMITTEES

The Clerk announced that the Joint Study Committee on Study Revisions of Laws of Conservationships, Guardianships and Estates of Incompetents, pursuant to House Joint Resolution No. 583 of 1990, has completed its work and submitted its final report, which is on file in the Clerk's office.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 10, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1560, 1561, 1562 and 1572.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 10, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, April 11, 1991:** House Resolution(s) No(s). 46, 47, 48 and 49; House Joint Resolution(s) No(s). 229, 230, 232, 233 and 235; House Bill(s) No(s). 1560, 1561, 1562 and 1572; also, Senate Joint Resolution(s) No(s). 167 and 169.

PHILLIPS, Chair.

**SIGNED
April 10, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 59, 60, 138, 231, 280, 507, 575, 675, 681, 761, 769, 916, 1312 and 1559; also, Senate Joint Resolution(s) No(s). 155, 161, 163, 165, 166, 174 and 176.

**SIGNED
April 10, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 6, 838, 1256, 1394, 1539 and 1547; House Joint

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Resolution(s) No(s). 148, 180, 181, 182, 183, 184 and 227; also, House Resolution(s) No(s). 7, 8, 9, 10 and 40.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 10, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1240; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
April 10, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 689, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**MESSAGE FROM THE SENATE
April 10, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 186; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0186 -- Memorials, Public Service -- Dr. Jaime Virita Mangubat, Waynesboro. by *Wilder.

**ENGROSSED BILLS
April 10, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 485, 846, 1328 and 1569; also, House Joint Resolution(s) No(s). 228; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**ENGROSSED BILLS
April 10, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 332, 425 and 717; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
April 10, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1276; also, House Resolution(s) No(s). 41, 42, 43, 44, 45 and 50; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 10, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 647; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 195, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223 and 224; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 6, 838, 1256, 1394, 1539 and 1547; also, House Joint Resolution(s) No(s). 148, 180, 181, 182, 183, 184 and 227; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE
April 10, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 143, 224 and 313; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0143** -- Coroners -- Clarifies authority of county medical examiner to permit removal of corneal tissue in certain circumstances. Amends TCA 38-7-106, 68-30-204. by *Hicks.

***Senate Bill No. 0224** -- Children -- Enacts "Family Preservation Act of 1991". Amends TCA, Title 37. by *Henry, *Person, Crowe, Springer, McKnight.

***Senate Bill No. 0313** -- Ethics -- Prohibits acceptance of honoraria by public officials and employees. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6. by *Cohen.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 11, 1991.